



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Twenty-second Meeting Day

Tuesday Afternoon

February 21, 2006

The Senate convened at 1:34 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

KENLEY, Chair

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 201: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1396, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass. Committee Vote: Yeas 9, Nays 2.

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Engrossed House Bill 1110, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-23-5.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The Indiana recycling promotion and assistance fund is established. The purpose of the fund is to promote and assist recycling throughout Indiana by focusing economic development efforts on businesses and projects involving recycling. The fund shall be administered by the board.

(b) Sources of money for the fund consist of the following:

(1) Appropriations from the general assembly.

(2) Repayment proceeds of loans made from the fund.

(3) Gifts and donations.

(4) Money from the solid waste management fund.

(c) Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) The board may use money in the fund to make loans to assist:

(1) persons in establishing new recycling businesses;

(2) in the expansion of existing recycling businesses; and

(3) manufacturers in retrofitting equipment necessary to reuse or recycle secondary materials.

(e) The board shall establish loan:

(1) amounts;

(2) terms; and

(3) interest rates.

(f) The board may use money in the fund to make grants for research and development projects involving recycling. The board shall establish amounts for grants.

(g) A person, business, or manufacturer that wants a grant or loan from the fund must file an application with the board.

(h) The board shall establish criteria for awarding grants and loans under this section.

(i) The board may transfer money in the fund to the state solid waste management fund established by IC 13-20-22-2 for use by the department of environmental management to make payments under IC 13-20-17.7-6.

SECTION 2. IC 13-11-2-16.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16.3. "Automotive salvage recycler", for purposes of this chapter, means a business that:**

(1) acquires damaged, inoperative, discarded, abandoned, or salvage motor vehicles, or their remains, as stock-in-trade;

- (2) dismantles and processes the vehicles or remains for the reclamation and sale of reusable components and parts; and
- (3) disposes of recyclable materials to a scrap metal processor or other appropriate facility.

SECTION 3. IC 13-11-2-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16.5. "Automobile scrapyard"**, for purposes of this chapter, means a business organized for any of the following purposes:

- (1) Processing scrap metal.
- (2) Wrecking automobiles.
- (3) Operating a junkyard."

Page 1, line 7, delete "or scrap recycling facility".

Page 2, between lines 10 and 11, begin a new paragraph and insert: "SECTION 6. IC 13-11-2-104.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 104.5. "Hulk crusher"**, for purposes of this chapter, means an enterprise that engages in the business of handling and flattening, compacting, or otherwise demolishing motor vehicles or their remains for economical delivery to a scrap metal processor or other appropriate facility."

Page 2, between lines 27 and 28, begin a new paragraph and insert: "SECTION 9. IC 13-11-2-130.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 130.1. "Motor vehicle"**, for purposes of this chapter, means a vehicle that is self-propelled on a highway in Indiana. The term does not include a farm tractor or a motorized bicycle.

SECTION 10. IC 13-11-2-130.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 130.2. "Motor vehicle manufacturer"**, for purposes of this chapter, means a person that is engaged in the business of manufacturing or assembling new motor vehicles for sale to any of the following:

- (1) Dealers.
- (2) Wholesale dealers.
- (3) Distributors.
- (4) The general public.

SECTION 11. IC 13-11-2-130.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 130.3. "Motor vehicle recycler"**, for purposes of IC 13-20-17.7, means any of the following:

- (1) An automotive salvage recycler.
- (2) An automobile scrapyard.
- (3) A hulk crusher.
- (4) A scrap metal processor.
- (5) A vehicle disposal facility.

SECTION 12. IC 13-11-2-196.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 196.5. "Scrap metal processor"**, for purposes of this chapter, means a private, commercial, or governmental enterprise:

- (1) that has facilities for processing iron, steel, or nonferrous scrap; and
- (2) whose principal product is scrap iron, scrap steel, or nonferrous scrap for sale for remelting purposes.

SECTION 13. IC 13-11-2-245.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 245.2. (a) "Vehicle disposal facility"**, for purposes of this chapter, means a person, firm, limited liability company, corporation, or other legal entity that, in the course of business, engages in the acquisition and dismantling or demolition of motor vehicles, motorcycles, semitrailers, or recreational vehicles or their remains for the benefit of reusable components and parts or recyclable materials.

(b) The term includes the following enterprises:

- (1) An automotive salvage recycler.
- (2) A hulk crusher.

(c) The term does not include a scrap metal processor."

Page 2, line 32, delete "Manufacturers of motor vehicles" and insert "(a) Except as provided in subsection (b), motor vehicle manufacturers".

Page 2, line 41, delete "January 1," and insert "October 1, 2006;".

Page 2, line 42, delete "2007;".

Page 3, between lines 2 and 3, begin a new paragraph and insert: "(b) Subsection (a) does not apply to a motor vehicle manufacturer that has never installed mercury switches in the manufacturer's motor vehicles."

Page 3, line 3, after "Sec. 2." insert "(a)".

Page 3, delete lines 5 through 6.

Page 3, line 7, delete "(2)" and insert "(1)".

Page 3, line 11, after "vehicles" insert "might".

Page 3, line 16, delete "(3)" and insert "(2)".

Page 3, line 18, delete "(4)" and insert "(3)".

Page 3, line 20, delete "(5)" and insert "(4)".

Page 3, line 22, delete "(6)" and insert "(5)".

Page 3, line 25, delete "subdivision (8)" and insert "subdivision (7)".

Page 3, line 35, delete "(7)" and insert "(6)".

Page 3, line 36, delete "(8)" and insert "(7)".

Page 3, line 40, delete "and thereafter." and insert "through 2016".

Page 3, line 41, delete "(9)" and insert "(8)".

Page 4, between lines 1 and 2, begin a new paragraph and insert: "(b) The department shall:

(1) prepare an annual report that includes the information tracked under subsection (a)(5); and

(2) provide the report to:

- (A) the legislative council in an electronic format under IC 5-14-6; and
- (B) the environmental quality service council."

Page 4, line 19, delete "and solicit public comment on the plan." and insert "of a period of at least thirty (30) days during which the public may submit written comments on the plan to the commissioner."

Page 4, line 20, delete "ninety (90)" and insert "one hundred twenty (120)".

Page 4, line 42, delete "review" and insert "make a determination on".

Page 5, line 10, after "modify" insert "and implement".

Page 5, delete lines 12 through 15, begin a new paragraph and insert:

"Sec. 5. (a) Beginning thirty (30) days after the earliest date the commissioner approves a plan under section 4 of this chapter, a motor vehicle recycler is required to remove all mercury switches from each end of life vehicle the motor vehicle recycler receives upon receipt of the vehicle."

Page 5, line 20, delete "scrap recycling facility" and insert **"motor vehicle recycler"**.

Page 5, line 22, delete "scrap" and insert **"motor vehicle recycler"**.

Page 5, line 23, delete "recycling facility".

Page 5, line 25, delete "vehicle recycler, scrap recycling facility," and insert **"motor vehicle recycler"**.

Page 5, line 36, delete "scrap recycling facility" and insert **"motor vehicle recycler"**.

Page 5, between lines 39 and 40, begin a new paragraph and insert: **"Sec. 6. (a) Subject to subsections (b), (c), and (d), a person is entitled to payment from the department for each mercury switch the person removes from an end of life vehicle under section 5(a) of this chapter."**

(b) The commissioner shall establish:

(1) the amount of the payment under subsection (a), which must be:

(A) at least one dollar (\$1); and

(B) not more than five dollars (\$5);

per mercury switch; and

(2) a procedure for claims for payment under this section.

(c) The commissioner shall determine:

(1) whether to use money in the state solid waste management fund; and

(2) if the commissioner determines under subdivision (1) to use money in that fund, the amount of money from the fund to be used;

to make payments under this section.

(d) The department is required to make payments under this section only to the extent of the amount of money determined by the commissioner under subsection (c)(2)."

Page 5, line 40, delete "Sec. 6." and insert **"Sec. 7."**

Page 5, line 42, delete "Sec. 7." and insert **"Sec. 8."**

Page 6, line 7, delete "Sec. 8." and insert **"Sec. 9."**

Page 6, after line 7, begin a new paragraph and insert:

"SECTION 15. IC 13-20-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The state solid waste management fund is established to provide money for the following:

(1) Programs that provide grants and loans that provide education and promote the following:

(A) Recycling and the use of recycled materials.

(B) Waste reduction.

(C) Management of yard waste.

(2) Providing grants to implement household hazardous waste source reduction or recycling projects.

(3) Providing grants for household hazardous waste and conditionally exempting small quantity generator waste collection, recycling, or disposal projects under IC 13-20-20.

(4) Payments by the department under IC 13-20-17.7-6.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The sources of money for the fund are the following:

(1) All fees deposited into the fund under section 12(2) of this chapter.

(2) Accrued interest and other investment earnings of the fund.

(3) Appropriations made by the general assembly.

(4) Gifts and donations from any person to the fund.

(5) Civil penalties imposed under IC 13-30-4 and fines imposed under IC 13-30-6 for violations of IC 13-20-17.7.

(6) Subject to subsection (f), assets assigned and other contributions made by persons interested in reducing mercury emissions into the environment.

(7) Transfers from the Indiana recycling promotion and assistance fund under IC 4-23-5.5-14(i).

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the fund resulting from assets assigned and other contributions made under subsection (c)(6) may be used only by the department of environmental management to make payments under IC 13-20-17.7-6.

SECTION 16. IC 13-30-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 4.5. Supplemental Environmental Project Credit Bank

Sec. 1. The commissioner may allow entities regulated by the department to bank:

(1) the documented value, as determined by the commissioner, of environmentally beneficial activities that are not required by law or by rule; and

(2) the actual value of contributions by the regulated entity to the solid waste management fund under IC13-20-22-2(c)(6).

Sec. 2. Subject to sections 3 and 4 of this chapter, the value of the credits of a regulated entity in the bank may be used to pay a portion of any gravity based penalty otherwise collectable under IC 13-30-4 that is assessed against that regulated entity after the date the credit is established.

Sec. 3. (a) Subject to subsection (b), the part of a regulated entity's assessed gravity based penalty that may be satisfied by the entity's credit balance in the bank may not exceed the product of:

(1) the amount of the penalty; multiplied by

(2) a percentage determined by the commissioner.

(b) The commissioner may not determine a percentage under subsection (a)(2) that exceeds ninety percent (90%).

Sec. 4. (a) Except as provided in subsection (b), the commissioner shall reduce the credit value of the credits in the bank by a factor determined by the commissioner so that the actual credit against an assessed gravity based penalty is not less than ten percent (10%) and not more than eighty percent (80%) of the nominal value of the credits.

(b) Subsection (a) does not apply to credits in the bank that result from cash contributions under section 1(2) of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1110 as printed January 27, 2006.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Engrossed House Bill 1117, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, between lines 2 and 3, begin a new paragraph and insert:
"SECTION 2. IC 13-11-2-116 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 116. (a) "Landfill", for purposes of IC 13-20-2 **and IC 13-20-24**, means a solid waste disposal facility at which solid waste is deposited on or beneath the surface of the ground as an intended place of final location.

(b) "Landfill", for purposes of section 114.2 of this chapter and IC 13-20-11, means a facility operated under a permit issued under IC 13-15-3 or IC 13-7-10 (before its repeal) at which solid waste is disposed of by placement on or under the surface of the ground.

(c) "Landfill", for purposes of section 82 of this chapter and IC 13-21, means a solid waste disposal facility at which solid waste is deposited on or in the ground as an intended place of final location. The term does not include the following:

- (1) A site that is devoted solely to receiving one (1) or more of the following:
 - (A) Fill dirt.
 - (B) Vegetative matter subject to disposal as a result of:
 - (i) landscaping;
 - (ii) yard maintenance;
 - (iii) land clearing; or
 - (iv) any combination of activities referred to in this clause.
- (2) A facility receiving waste that is regulated under the following:
 - (A) IC 13-22-1 through IC 13-22-8.
 - (B) IC 13-22-13 through IC 13-22-14."

Page 3, between lines 39 and 40, begin a new paragraph and insert:
"SECTION 8. IC 13-20-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) **Subject to subsection (c)**, for solid waste, the disposal fees are as follows:

	Fee
Solid waste disposed into a municipal solid waste landfill per ton	\$ 0.10
Solid waste disposed into a nonmunicipal solid waste landfill per ton	\$ 0.10
Solid waste disposed into an incinerator per ton	\$ 0.05
Solid waste disposed into a construction\demolition waste site per ton	\$ 0.10

(b) There is no solid waste disposal fee for solid waste disposed into a solid waste landfill permitted to accept restricted waste solely generated by the person to which the permit is issued.

(c) **With respect to a municipal solid waste landfill, a nonmunicipal solid waste landfill, or a construction\demolition waste site:**

- (1) located in a county that does not zone under IC 36-7-4;**
- (2) for which the department issues an original permit for construction after June 30, 2006; and**
- (3) for which a host agreement has not been entered into under IC 13-20-24;**

the county fiscal body may establish a disposal fee that does not exceed two dollars and fifty cents (\$2.50) per ton, which applies in addition to the disposal fee established in subsection (a).

SECTION 9. IC 13-20-21-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) **Except as provided in subsection (b)**, fees and delinquency charges collected under this chapter:

- (1) are payable to the department; and
- (2) shall be deposited in the environmental management permit operation fund established by IC 13-15-11-1.

(b) Fees and delinquency charges collected under section 6(c) of this chapter are payable to the department. The department shall remit the revenue to the county treasurer of the county in which the landfill is located for deposit in the fund established by the county treasurer under IC 36-2-9-21."

Page 5, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 11. IC 13-20-24 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 24. Host Agreement in a County Without Zoning

Sec. 1. With respect to a landfill or landfill expansion located or proposed to be located in the unincorporated area of a county that does not zone under IC 36-7-4, the county and another person may enter into a host agreement under this chapter.

Sec. 2. With respect to a landfill or landfill expansion located or proposed to be located in a municipality in a county that does not zone under IC 36-7-4, the municipality and another person may enter into a host agreement under this chapter.

Sec. 3. A host agreement under this chapter must provide that the person that enters into the host agreement with the county or municipality agrees, in exchange for permission from the county or municipality to construct or operate a landfill in the county or municipality, to do one (1) or more of the following during the term of the host agreement:

- (1) Make one (1) or more payments in designated amounts to the county or municipality.**
- (2) Construct, improve, or maintain infrastructure that supports or is otherwise related to the landfill.**
- (3) Provide to the county or municipality other consideration that supports or is otherwise related to the landfill.**

Sec. 4. A county or municipality that receives a payment under section 3(1) of this chapter may use the revenue only for the construction, improvement, or maintenance of infrastructure that supports or is otherwise related to the landfill.

SECTION 12. IC 36-2-9-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. (a) **If a disposal fee is charged under IC 13-20-21-6(c), the county treasurer shall:**

- (1) establish a dedicated fund for the purposes described in subsection (b); and**

(2) deposit in the fund all revenue remitted to the county treasurer under IC 13-20-21-14(b).

(b) Money in the fund established under subsection (a) may be used only to pay the costs of constructing, improving, or maintaining infrastructure that supports or is otherwise related to the landfill at which the disposal fees are charged.

(c) The county treasurer shall, in accordance with IC 5-13-9, invest any money accumulated in the fund established under subsection (a). Any interest received from investment of the money shall be paid into the fund.

SECTION 13. IC 36-9-31-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. **(a) Subject to subsection (b), any facility:**

(1) owned;

(2) operated; or

(3) financed after December 2, 2008;

under this chapter shall accept waste accumulated within the waste disposal district without discrimination as to whether or not the waste is collected by the **consolidated** city. The fees made by any such facility for any services rendered or to be rendered, either directly or in connection with them, must be nondiscriminatory, but they may vary based upon the volume, weight, hazardousness, or difficulty of disposal of the waste disposed of or processed by the facility.

(b) If a person enters into a contract with the consolidated city to accept the consolidated city's waste at a facility, the person may not be considered to be operating the facility for purposes of this section."

Page 6, delete lines 1 through 37.

Re-number all SECTIONS consecutively.

(Reference is to HB 1117 as reprinted January 31, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Ethics, to which was referred Engrossed House Bill 1397, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 8, line 27, after "conducted," insert "**The commission may not conduct a hearing under section 4(b)(2)(G) of this chapter under this section."**

Page 16, delete lines 10 through 38.

Re-number all SECTIONS consecutively.

(Reference is to HB 1397 as reprinted January 31, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 1.

ZAKAS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Engrossed House Bill 1285, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be

amended as follows:

Page 1, between lines 13 and 14, begin a new line block indented and insert:

"(3) The regulation of outdoor wood-burning furnaces.

(4) The use of methane gas from landfills and anaerobic digestion as a fuel source."

(Reference is to HB 1285 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

GARD, Chair

Report adopted.

RESOLUTIONS ON SECOND READING

Senate Resolution 9

Senator Kruse called up Senate Resolution 9 for second reading. The resolution was read a second time by title and adopted by voice vote.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 21

Senate Concurrent Resolution 21, introduced by Senator Hershman:

A CONCURRENT RESOLUTION honoring the Indiana Main Street Program for 20 years of service to Indiana cities and towns.

Whereas, The National Main Street Center was established by the National Trust for Historic Preservation in 1980. Since its inception, the Center has grown to be the largest full-service commercial district revitalization organization in the nation;

Whereas, Recognizing the crucial role the downtown business district plays in the overall image of a community, the Indiana General Assembly established the Indiana Main Street Program in 1985 to encourage the economic development, redevelopment, and improvement of downtown areas in Indiana cities and towns;

Whereas, Indiana Main Street is advised by the Indiana Main Street Council, a public/private advisory board appointed by Lieutenant Governor Becky Skillman;

Whereas, Rather than providing direct grants, Indiana Main Street emphasizes building local capacity and self-sufficiency through technical assistance and encourages local businesses, residents, and leaders to get involved in community projects;

Whereas, In order to address all of the needs of the community, Indiana Main Street utilizes the National Main Street Center's four-point approach to improving downtown areas: design, organization, promotion, and economic restructuring;

Whereas, The National Main Street revitalization project has proven to be one of the most successful economic development strategies in America. Research has shown that on a national average, for every dollar spent to operate a local Main Street

program, approximately thirty-eight dollars has been reinvested in the community; and

Whereas, Numerous local communities throughout the State of Indiana have benefitted from the Indiana Main Street Program's services to revitalize downtown communities over the last twenty years: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly expresses sincere gratitude to the Indiana Main Street Program for its on-going efforts to renew downtown business districts throughout the state.

SECTION 2. That the Indiana General Assembly commends the Indiana Main Street Program and the Indiana Main Street Council, as well as all of the businesses and community members that have participated in local programs, for their efforts to improve community image.

SECTION 3. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Lieutenant Governor Becky Skillman; Executive Director of Indiana Main Street, Ellen Harper; members of the Indiana Main Street Council, Steve Boyce, Amy Vaughan, Jon Smith, Mark Dollase, Amy MacDonell Shepard, Dr. James Segedy, Judy Gray, Mayor Don Stock, Todd Thackery, and Jim Grant; and former First Lady Judy O'Bannon.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Welch and Duncan.

Senate Concurrent Resolution 38

Senate Concurrent Resolution 38, introduced by Senator Landske:

A CONCURRENT RESOLUTION to honor and memorialize Colonel John Wheeler.

Whereas, John Wheeler was born in Connecticut on February 6, 1825. After Mr. Wheeler married Ann C. Jones in 1846, families moved to Lake County in 1847;

Whereas, Mr. Wheeler was a farmer and teacher. After working with his father to level and lay out pipes and ditches to drain swamplands throughout Lake County, Mr. Wheeler was elected County Surveyor in 1853 and served for three years;

Whereas, For four years after his County Surveyor term, he partnered with Zerah F. Summers editing and publishing the local newspaper called the Crown Point Register;

Whereas, Using his own money and influence, Mr. Wheeler raised a company of one hundred men for the Union army in 1861. Becoming part of the Twentieth Regiment of Indiana Volunteers, his company chose him for its Captain. His friends and neighbors presented him the gift of an elegant sword while his regiment was on parade in Indianapolis; and

Whereas, After thoroughly performing the duties of a soldier, Captain Wheeler was commissioned Major of the Regiment on February 16, 1862, and earned a promotion to the rank of Colonel in March of 1863. Leading his troops in the summer of 1863, Colonel Wheeler fell on July 2nd in the slaughter of the terrible conflict at Gettysburg: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly memorializes and honors Colonel John Wheeler for his achievements. His exemplary service to his country and his community is commendable.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Colonel Wheeler's Great-great-grandson Boyd Cole.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Ayres and Kuzman.

Senate Concurrent Resolution 40

Senate Concurrent Resolution 40, introduced by Senator Alting:

Whereas, Robert A. "Rob" Zell was a lifelong resident of Tippecanoe County;

Whereas, Rob was married to Kimberly for eleven years and had four children: Brent, Robert II, Brittany Mathes, and Rachelle;

Whereas, Rob was a dedicated family man who worked hard to provide for his family;

Whereas, Although Rob worked only a few months for the Indiana Department of Transportation, he truly enjoyed his position as a maintenance worker at the Fowler Sub District;

Whereas, Throughout his life Rob enjoyed many hobbies, including mushroom hunting, deer hunting, and playing video games;

Whereas, Rob was killed on February 3, 2005, when he was hit by a car while cleaning up debris on the side of the road on the Wabash River bridge on Interstate 65 in Tippecanoe County;

Whereas, It is important to remember that maintaining Indiana's roadways is a dangerous job and that it is important for motorists to always be aware when workers are present; and,

Whereas, Rob will be remembered by his friends and family as a great man who was devoted to his family: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the service of Robert Zell to the State of Indiana and memorializes his life.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Philip Zell, Kimberly Zell, and the Commissioner of the Indiana Department of Transportation.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Klinker, T. Brown, and Micon.

Senate Concurrent Resolution 24

Senate Concurrent Resolution 24, introduced by Senator Steele:

A CONCURRENT RESOLUTION to memorialize and honor Paul Allen

Whereas, Paul Allen, the son of John Thomas and Ola Bays Allen was born on March 2, 1921 in McCameron Township, Indiana. McCameron Township no longer exists, as it was incorporated into the Naval Surface Warfare Center (NSWC) Crane;

Whereas, As a 10th grade student, Paul Allen volunteered to rescue citizens in Madison and Vevay during the Ohio River Flood of 1937. Working with his father's construction/restoration company, he assisted in rebuilding significant numbers of neighborhoods in Jefferson and Ohio Counties once the floodwaters receded;

Whereas, Paul attended the township school and earned a diploma from Burns City High School in 1940. After graduating, Paul received an academic scholarship to Duke University where he studied mathematics and chemistry. At the conclusion of his freshman year, Paul Allen enlisted in the United States Army, where he was initially assigned to the 259th Field Artillery;

Whereas, Prior to the Normandy Invasion, Paul Allen was transferred to Company 'C,' Second Ranger Battalion because of his knowledge of large caliber naval weaponry. On D-Day, his company captured and rendered harmless naval weapons situated on Pointe du Hoc. After the campaign to liberate Paris and Northern France, Paul participated in Operation Market Garden, the Ardennes Campaign, and the Invasion of Northern Germany.

Whereas, For bravery in action, Paul received the following decorations: the Purple Heart, bestowed by General George Patton; the Legion of Honor; the Bronze Star; the Belgian Croix de Guerre; the French Croix de Guerre, bestowed by General Charles DeGaulle; and numerous campaign medals;

Whereas, Upon returning to the United States, Paul obtained employment in the United States Navy's civilian service from 1950 until his retirement in 1974. During this time, he was stationed at Indiana's NSWC Crane; Naval Headquarters in Washington, D.C.; Mechanicsburg, Pennsylvania; Norfolk, Virginia; and Charleston, South Carolina;

Whereas, Upon his retirement, Paul assumed the position of assistant superintendent for the North Lawrence Community School Corporation. During his tenure, Paul was involved in the

construction of three elementary schools, the restoration of the Bedford, Fayetteville, and Dollens Schools, and the expansion of the Bedford-North Lawrence High School;

Whereas, In keeping with family tradition, Paul also supported the republican party by working as a fundraiser for the gubernatorial campaigns of both Dr. Otis R. Bowen and Robert Orr; and

Whereas, Paul Allen deserves recognition for his distinguished career of public service. Four days after open-heart surgery, Paul Allen passed away on July 19, 2004: Therefore:

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly memorializes and honors Paul Allen for his lifetime achievements. His service to his country and his community is commendable.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to David Allen, Paul Allen's son.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Koch.

SENATE MOTION

Madam President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1281.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lewis be added as second sponsor and Senator Sipes be added as cosponsor of Engrossed House Bill 1097.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1281.

LUBBERS

Motion prevailed.

1:59 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 3:22 p.m., with the President of the Senate in the Chair.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 48 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 43 and 47 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 45 and 46 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 44 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 42 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senators Wyss, Craycraft, Sipes, and Rogers be added as cosponsors of Engrossed House Bill 1123.

BECKER

Motion prevailed.

RESOLUTIONS ON FIRST READING**House Concurrent Resolution 43**

House Concurrent Resolution 43, sponsored by Senators Meeks and Simpson:

A CONCURRENT RESOLUTION honoring Hoosiers for Higher Education and its outstanding volunteer membership for its support of Indiana University.

Whereas, Hoosiers for Higher Education was established in 1991

as a grassroots organization that engages Indiana University students, parents, alumni, faculty, staff, and friends to advocate for legislative and policy issues important to Indiana University at both the state and federal levels;

Whereas, The 10,000 Hoosiers for Higher Education volunteer members are respected voices in their communities throughout Indiana and advocate for the benefits of public higher education;

Whereas, The Hoosiers for Higher Education program is nationally recognized as a leading higher education advocacy program;

Whereas, Students of Indiana University have the opportunity, through membership in Hoosiers for Higher Education, to learn about and participate in the democratic process via public discourse;

Whereas, This is the 15th year of the Hoosiers for Higher Education Annual State House Visit where members and advocates of Indiana University gather to meet with legislators and public officials to encourage their support for Indiana University and higher education;

Whereas, Sue Talbot, Kirk White, and Deborah Sibbitt have provided valuable service as directors of Hoosiers for Higher Education;

Whereas, 13 elected officials have been presented the Welsh-Bowen Distinguished Public Official Award at the Hoosiers for Higher Education Annual State House Visit proceedings, including U.S. Representative John Myers; State Representatives B. Patrick Bauer, Richard Bodiker, William Cochran, Sheila Klinker, Mark Kruzan, Vernon Smith, and Phil Warner, as well as State Senators Ron Alting, Robert Meeks, Kathy Smith-Andrew, and Vi Simpson; and

Whereas, The Hoosiers for Higher Education Annual State House Visit is the largest one-day rally of any higher education institution in the state, and over 4,000 Indiana University supporters have participated in this event: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Hoosiers for Higher Education on the 15th anniversary of its first State House Visit and commends the recipients of the Welsh-Bowen Distinguished Public Official Award for their leadership.

SECTION 2. That the Indiana General Assembly thanks the Hoosiers for Higher Education volunteers for taking an active and constructive part in the democratic process.

SECTION 3. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the President and Trustees of Indiana University, the Indiana University Alumni Association, and Hoosiers for Higher Education.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 44

House Concurrent Resolution 44, sponsored by Senators Lubbers and Breaux:

A CONCURRENT RESOLUTION honoring St. Vincent Health and the Daughters of Charity as they celebrate 125 years of caring for the sick, poor, and vulnerable residents of the Hoosier state.

Whereas, On April 26, 1881, four Daughters of Charity arrived in Indianapolis with \$34.77 in their pockets to start a hospital that would serve the health care needs of the community;

Whereas, From its humble beginning on Indianapolis' eastside, St. Vincent Indianapolis Hospital has grown into a health system of more than 16 hospitals across the state, making it one of the largest employers in Indiana;

Whereas, The health system continues to be guided by core values that reflect commitment to quality, compassion, and affordability in health care;

Whereas, More than 11,600 St. Vincent Health associates and physicians continue to reach out to the local communities they serve and carry out the mission set forth by the original four Daughters of Charity; and

Whereas, Generations of residents of Indiana have experienced the spirit of caring for 125 years: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the extraordinary contributions of St. Vincent Health and the Daughters of Charity to the residents of Indiana and commends them for 125 years of dedication to caring for the sick, particularly those who are poor and vulnerable, in body, mind, and spirit.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the leadership of St. Vincent Health.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 48

House Concurrent Resolution 48, sponsored by Senators Rogers and Smith:

A CONCURRENT RESOLUTION honoring the Gary RailCats.

Whereas, In February 2001, the board of directors of the

Northern League approved Northwest Sports Ventures, LLC, to own and operate an expansion team for the 2002 season in Gary, Indiana, and the Gary RailCats were born;

Whereas, The Northern League is an independent minor league baseball league in the Midwestern United States and the Canadian provinces of Manitoba and Alberta;

Whereas, In June 2001, a lease was signed between the city of Gary and Victory Sports Group for a 6,000 seat state-of-the-art stadium and ground was broken for construction to begin;

Whereas, In May 2002, the Gary RailCats played their first official Northern League game in Sioux Falls, South Dakota;

Whereas, On May 28, the RailCats experienced their first victory, a 9-4 win over the Schaumburg Flyers that began a six-game winning streak for the team;

Whereas, RailCats' manager Joe Calfapietra was named Northern League manager of the year after leading the club to 35 wins despite playing all 90 games on the road;

Whereas, The team continued to improve and prosper, winning the Northern League championship in 2005; and

Whereas, The RailCats have continued to provide countless hours of enjoyment and relaxation for the citizens of northern Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the individual and economic contributions that the RailCats have made to the community of Gary and all of northern Indiana. We wish to thank them and to encourage them to continue "hitting it out of the park" for years to come.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Gary RailCats management and Scott L. King, mayor of Gary, Indiana.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 46

House Concurrent Resolution 46, sponsored by Senator Skinner:

A CONCURRENT RESOLUTION recognizing the Networks Scholars Program at Indiana State University.

Whereas, Networks Financial Institute provides four-year scholarships to students at Indiana State University who are pursuing a major or minor in the College of Business and who are interested in careers in the financial services industry;

Whereas, In order to be awarded a Networks Scholarship, a student must: be a full-time student at Indiana State University; have a high school cumulative grade point average (GPA) of 3.25 or higher; rank in the top one-third of the student's high school graduating class; achieve an SAT score of at least 1,000 out of 1,600; have demonstrated leadership success; maintain at least a 3.0 cumulative GPA and a 3.2 GPA in business courses at Indiana State; participate in at least one internship; engage with both faculty and executive mentors; participate in Networks Scholars Program activities and College of Business events; and participate in professional development opportunities;

Whereas, The Networks Scholars Program has five categories of development: faculty and corporate mentoring, career and educational planning, professional development, student leadership experiences, and networking and experiential learning;

Whereas, Each recipient of a Networks Scholarship receives a four-year, \$20,000 scholarship to be used toward tuition and fees, professional development training opportunities, a professional development account, a laptop computer, internship opportunities, and international travel experience;

Whereas, A Networks Scholars Program participant is given opportunities that will enhance academic potential, employability, and advancement through active involvement in curricular and extracurricular activities;

Whereas, These opportunities and activities provide each student with insights into business that are invaluable in pursuing and developing a successful career;

Whereas, Indiana State University faculty members are available to help each scholar understand campus resources and services, discuss various education and career opportunities, improve decision-making skills, and develop personal growth and achievement plans; and

Whereas, Networks Financial Institute at Indiana State University works tirelessly to prepare students for careers in the financial industry and to help prepare them for the real world experiences they will encounter while establishing a successful career: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the Networks Scholars Program and Indiana State University for the help they provide to students interested in pursuing a degree from the College of Business and establishing a career in the financial services industry.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Indiana State University President Lloyd Benjamin.

The resolution was read in full and adopted by voice vote. The

Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Concurrent Resolution 36

Senate Concurrent Resolution 36, introduced by Senator Lewis:

A CONCURRENT RESOLUTION urging the Indiana department of transportation to name a section of State Road 3 near Paris Crossing in honor of Trooper George Forster.

Whereas, While on routine patrol near Paris Crossing in Jennings County on May 17, 1941, Trooper George Forster's patrol car was struck by a truck towing a horse trailer;

Whereas, Trooper Forster was killed in the accident;

Whereas, Trooper Forster's death was the first traffic related fatality to occur involving an on-duty Indiana State Police trooper;

Whereas, Trooper Forster, who was 25 years of age at the time of his death, had been appointed to the Indiana State Police on September 1, 1938, and had served as a patrolman working out of the Seymour post;

Whereas, Trooper Forster loved his job and strove to be the best trooper he could be;

Whereas, As a member of the Indiana State Police, Trooper Forster provided the best in quality service and earned the highest respect and confidence of the citizens of Indiana;

Whereas, Trooper Forster, along with all the men and women of the Indiana State Police, deserves special recognition; and

Whereas, Trooper Forster gave his life protecting the citizens of the state of Indiana, for which there is no greater sacrifice: Therefore,

*Be it resolved by the Senate of the General Assembly
of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes the service of Trooper Forster and urges the Indiana department of transportation to name a section of State Road 3 near Paris Crossing in honor of Trooper George Forster.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Karl Forster, Dorothy Behrman, Imogene Schedit, and the commissioner of the Indiana department of transportation.

The resolution was read in full and referred to the Committee on Commerce and Transportation.

Senate Concurrent Resolution 37

Senate Concurrent Resolution 37, introduced by Senator Lubbers:

A CONCURRENT RESOLUTION requesting the Indiana

Education Roundtable to serve as the Indiana State Roundtable for purposes of participating in the Midwestern Education to Workforce Policy Initiative.

Whereas, The State of Indiana has entered into an interstate compact with other midwestern states to form the Midwestern Higher Education Commission. The State also participates extensively in the activities of the Midwest Council of Governments;

Whereas, The Midwestern Education to Workforce Policy Initiative was developed by the Midwestern Higher Education Commission; the Council of State Governments Midwestern Regional Office, representing the Midwestern Legislative Conference; and the Midwestern Governors Association;

Whereas, The Midwestern Higher Education Commission and the Midwest Council of Governments have received substantial funding from the Lumina Foundation for an Education to Workforce Policy Initiative. This Initiative is designed to facilitate the work of state teams of legislators, governors, educators, and business leaders to address linking P-16 education systems and workforce development efforts to generate a thriving 21st century economy in the Midwest;

Whereas, The Initiative held a summit in October 2005 convening government, business, education, and legislative leaders from around the Midwest. The Midwest Education to Workforce Policy Initiative Summit concluded that the nation as a whole, and the Midwest in particular, faces unprecedented competitiveness challenges to the size and quality of its workforce;

Whereas, The Summit participants determined that a prudent next step in the Initiative is to convene state-level Roundtables to receive information and develop workforce plans appropriate for each state; and

Whereas, Made up of members representing diverse constituencies in government, education, and business/industry, the Indiana Education Roundtable regularly considers broad education and workforce policy issues confronting the State: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. Recognizing the need for transitions from education and training to the workforce, the Indiana General Assembly requests that the Indiana Education Roundtable, established at IC 20-19-4-2, serve as Indiana's State Roundtable in the Midwestern Education to Workforce Policy Initiative developed by the Midwest Council of State Governments and the Midwestern Higher Education Commission.

SECTION 2. The Indiana General Assembly requests that the Indiana Education Roundtable address the following:

1. Identification of key education to workforce issues in Indiana
2. Assessment of Indiana-specific needs, barriers, and opportunities in developing seamless transitions from education and training to the workforce
3. Recommendation of specific changes to state education and

workforce policy

4. Development of an action plan for sustaining the Policy Initiative, including next steps.

SECTION 3. The Indiana General Assembly requests that a progress report on Indiana's involvement in the Education to Workforce Policy Initiative be submitted to the Legislative Council by June 30, 2007.

The resolution was read in full and referred to the Committee on Education and Career Development.

Senate Concurrent Resolution 39

Senate Concurrent Resolution 39, introduced by Senator Lewis:

A CONCURRENT RESOLUTION urging the Indiana department of transportation to name the new bridge over Big Graham Creek (near the intersection of State Road 3 and State Road 250) in honor of Trooper George Forster.

Whereas, While on routine patrol near Paris Crossing in Jennings County on May 17, 1941, Trooper George Forster's patrol car was struck by a truck towing a horse trailer;

Whereas, Trooper Forster was killed in the accident;

Whereas, Trooper Forster's death was the first traffic related fatality to occur involving an on-duty Indiana State Police trooper;

Whereas, Trooper Forster, who was 25 years of age at the time of his death, had been appointed to the Indiana State Police on September 1, 1938, and had served as a patrolman working out of the Seymour post;

Whereas, Trooper Forster loved his job and strove to be the best trooper he could be;

Whereas, As a member of the Indiana State Police, Trooper Forster provided the best in quality service and earned the highest respect and confidence of the citizens of Indiana;

Whereas, Trooper Forster, along with all the men and women of the Indiana State Police, deserves special recognition; and

Whereas, Trooper Forster gave his life protecting the citizens of the state of Indiana, for which there is no greater sacrifice: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the service of Trooper Forster and urges the Indiana department of transportation to name the new bridge over Big Graham Creek (near the intersection of State Road 3 and State Road 250) in honor of

Trooper George Forster.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Karl Forster, Dorothy Behrman, Imogene Scheidt, and the commissioner of the Indiana department of transportation.

The resolution was read in full and referred to the Committee on Commerce and Transportation.

House Concurrent Resolution 23

House Concurrent Resolution 23, sponsored by Senator Miller:

A CONCURRENT RESOLUTION urging the department of transportation to rename the section of Interstate Highway 65 running through Johnson County the Pearl Harbor Memorial Highway.

Whereas, It is important and fitting for our society to recognize and honor the contributions of those citizens who have served this nation in times of war;

Whereas, The December 7, 1941, attack on Pearl Harbor was a devastating attack on our nation's homeland that cost the lives of more than 2,000 American civilians, soldiers, sailors, and marines;

Whereas, As the Pearl Harbor Memorial Highway, Interstate 65 throughout Johnson County could stand as a tribute to those heroic men and women who gave their lives in defense of the United States of America and the freedom of its citizens; and

Whereas, In these times of danger throughout America, it is vital to remember the bravery of those citizens who made the ultimate sacrifice for their country and to ensure that all Americans will be ever vigilant so that tragedies like the attack on Pearl Harbor do not happen again: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly urges the Indiana department of transportation to rename the part of Interstate Highway 65 that runs through Johnson County the Pearl Harbor Memorial Highway.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the commissioner of the Indiana department of transportation.

The resolution was read in full and referred to the Committee on Commerce and Transportation.

House Concurrent Resolution 25

House Concurrent Resolution 25, sponsored by Senator Hershman:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to name the bridge over the Wabash River in Delphi the Carroll County Veterans Memorial Bridge.

Whereas, The General Assembly recognizes the great sacrifices made by Indiana veterans in the service of their country in time of war;

Whereas, The ultimate cost of freedom is paid by many of those in the military who sacrifice their very lives in defense of liberty;

Whereas, The State of Indiana owes an eternal debt of gratitude to the men and women who bravely answer their country's call, and the people of Carroll County wish to recognize their bravery by designating the bridge over the Wabash River in Delphi in honor of the Carroll County veterans; and

Whereas, It is therefore fitting that the proper signage be placed on the bridge over the Wabash River in Delphi to recognize the designation of this bridge as the Carroll County Veterans Memorial Bridge in honor of these veterans: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to name the bridge over the Wabash River in Delphi the Carroll County Veterans Memorial Bridge.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the commissioner of the Indiana Department of Transportation.

The resolution was read in full and referred to the Committee on Commerce and Transportation.

House Concurrent Resolution 35

House Concurrent Resolution 35, sponsored by Senator Landske:

A CONCURRENT RESOLUTION recognizing the need for protection of our environmental and economic resources.

Whereas, The Great Lakes are a tremendous value to Indiana as an environmental and economic resource, both as the world's largest body of fresh water and as a crucial international shipping channel;

Whereas, Aquatic invasive species have caused significant damage to native environments and industrial operations in the Great Lakes and around the world;

Whereas, Indiana ranks 14th in the nation for waterborne shipping with nearly 70 million tons of maritime cargo per year, and the state's Lake Michigan ports provide Indiana farmers, steel mills, and manufacturers with access to foreign markets through the Great

Lakes/St. Lawrence Seaway;

Whereas, Current federal laws governing the introduction of aquatic invasive species into United States waters via ballast water of ocean-going ships and other sources are inadequate;

Whereas, Because of the detrimental effects of imposing regional restrictions on an international shipping channel, there is a need for federal regulation; and

Whereas, There is currently no nationally accepted standard for ballast water quality nor any approved ballast treatment technologies available to ship operators: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly has a great concern for the protection of its environmental and economic resources.

SECTION 2. That the Indiana General Assembly urges the United States Congress to acknowledge the national urgency of this problem and move quickly to enact federal legislation to establish a strong ballast water regulatory program sufficient to prevent future introduction of aquatic invasive species into all United States waters.

SECTION 3. That the Indiana General Assembly declares its support for the efforts of the United States Coast Guard and International Maritime Organization to put in place an international ballast water treatment and regulatory program.

SECTION 4. That the Indiana General Assembly declares its support for the "Great Ships Initiative," a research and development project funded jointly by the Indiana Port Commission and other Great Lakes ports, the U.S. Department of Transportation, the National Fish and Wildlife Foundation, and other federal agencies with the goal of accelerating the development and availability of ballast water treatment technology.

SECTION 5. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the President of the United States, the Indiana Congressional delegation, federal agencies that regulate maritime transportation, and the Great Lakes Commission.

The resolution was read in full and referred to the Committee on Energy and Environmental Affairs.

Senate Concurrent Resolution 20

Senate Concurrent Resolution 20, introduced by Senator Garton:

A CONCURRENT RESOLUTION to congratulate Tony Stewart on winning the 2005 NASCAR Nextel Cup Series Championship.

Whereas, Columbus, Indiana native Tony Stewart has a reputation as a fierce competitor driving the #20 Home Depot car in the

NASCAR racing series;

Whereas, Tony scored his first victory of the season on June 26 in Sonoma, California at the Dodge/Save Mart 350;

Whereas, In his most dominating performance of the year, Stewart led all but nine laps of the Pepsi 400 to score his second-straight win. Starting from the pole, he lost the lead only briefly after pit stops, breaking the record of 142 laps led in a race set by Cale Yarborough in 1968;

Whereas, From this point on, the Home Depot team seemed to have all the answers and Stewart finished ninth or better in 19 of the final 22 races;

Whereas, Despite great success throughout his NASCAR career, Stewart had never won in front of the hometown crowd at the Indianapolis Motor Speedway. In a career-defining moment, Stewart won the Allstate 400 at the Brickyard, a win that propelled him into first place in the 2005 standings, where he remained for 13 of the final 14 weeks;

Whereas, In Nextel Cup racing, following the 26th race of the season, all drivers in the NASCAR Top 10 and any other drivers within 400 points of the leader earn a berth in the "Chase for the Championship";

Whereas, Stewart was on top at the start of the 10-race Chase for the Championship and fell off the leader board just once, when he dropped to fifth after Round 2;

Whereas, A conservative approach in the season-ending Ford 400 netted a modest 15th place finish and secured the 2005 championship for Stewart, marking his second career NASCAR season championship;

Whereas, As a two-time winner, Tony Stewart became a member of a select group of only 14 NASCAR drivers who have won at least two season championships;

Whereas, Tony Stewart's hometown of Columbus held a parade to congratulate him on winning the NASCAR series championship and also honored him by declaring December 17th "Tony Stewart Day"; and

Whereas, From the beginning of his career more than a quarter century ago and continuing to his present role as driver of the #20 Home Depot Chevrolet in the NASCAR NEXTEL Cup Series, Tony Stewart has proven to be a champion every step of the way: Therefore,

*Be it resolved by the Senate of the General Assembly
of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes Tony Stewart for his exemplary driving record in the NASCAR Nextel Cup Series Championship and congratulates him on winning his second NASCAR series championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Tony Stewart, his team, and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Yount, Burton, Messer, and Koch.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1016

Senator Bray called up Engrossed House Bill 1016 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1016-2)

Madam President: I move that Engrossed House Bill 1016 be amended to read as follows:

Page 4, line 6, after "offense" insert **"that he or she has previously been convicted of"**.

(Reference is to EHB 1016 as printed February 17, 2006.)

NUGENT

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1097

Senator Miller called up Engrossed House Bill 1097 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1097-2)

Madam President: I move that Engrossed House Bill 1097 be amended to read as follows:

Page 5, line 20, after "agreements;" delete "and".

Page 5, line 23, delete "(1)." and insert **"(1); and**

(3) determines the charge to cardholders for the discount prices."

Page 7, line 17, after "providers" insert **"in Indiana"**.

Page 8, after line 42, begin a new paragraph and insert:

"Sec. 3. A program provider is subject to IC 27-1-3.1."

Page 9, line 7, delete "as" and insert **"as:**

- (i) a disclaimer of a relationship between discount medical card program benefits and insurance;**
- (ii) a description of an insurance product connected with a discount medical card program; or**
- (iii)".**

Page 9, line 26, delete "provider" and insert **"physician licensed under IC 25-22.5"**.

Page 9, line 28, delete "provider." and insert **"physician."**

Page 10, between lines 18 and 19, begin a new paragraph and insert:

"(d) If the initial contact with a prospective cardholder is by telephone, the disclosures made under subsection (a) must be:

(1) made orally; and

(2) included in the initial written materials that describe the terms and conditions of the benefits under the discount medical card program provided to the prospective or new cardholder."

Page 11, line 28, delete "A:" and insert **"If the information is different from the initial application for a registration or from the last annual report, a:"**.

Page 11, line 40, after "cardholders" insert **"in Indiana"**.

Page 13, line 27, delete "License" and insert **"Registration"**.

Page 15, line 31, delete "a" and insert **"each"**.

(Reference is to EHB 1097 as printed February 17, 2006.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1267

Senator Harrison called up Engrossed House Bill 1267 for second reading. The bill was reread a second time by title.

SENATE MOTION (Amendment 1267-2)

Madam President: I move that Engrossed House Bill 1267 be amended to read as follows:

Page 2, line 22, after "issued." insert **"The issuing officer shall keep for each student who has been issued more than one (1) employment certificate a record of the maximum number of hours that the student may work each week for all employers."**

Page 2, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 3. IC 20-33-3-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 13.5. (a) A child may hold more than one (1) employment certificate at a time. However, a child who holds more than one (1) employment certificate at a time is subject to the penalties set forth in section 38.5 of this chapter for any of the following:

(1) Hour violations under sections 22 through 28 of this chapter.

(2) A violation of section 23(3) or 24(3) of this chapter.

(b) An employer of a child who holds more than one (1) employment certificate under subsection (a) is subject to the penalties set forth in sections 39 and 40 of this chapter for:

(1) hour violations under sections 22 through 28 of this chapter; or

(2) a violation of section 23(3) or 24(3) of this chapter;

for the employment of the child with the employer only."

Page 3, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 7. IC 20-33-3-38.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 38.5. For an hour violation

under sections 22 through 28 of this chapter or a violation of section 23(3) or 24(3) of this chapter committed by a child, the civil penalties are as follows:

(1) A warning letter for a first violation.

(2) Revocation of the employment certificate or certificates held by the child for thirty (30) calendar days.

(b) The department of labor shall assess the civil penalties set forth in subsection (a).

(c) If the department of labor revokes an employment certificate under this section, the issuing officer and the child's employer shall be notified in writing. This notice may be delivered in person or by registered mail. Immediately after receiving notice of revocation, the employer shall return the certificate to the issuing officer.

(d) A child whose employment certificate or certificates have been revoked may not be employed or allowed to work until the child legally has obtained a new employment certificate."

Page 3, line 17, strike "A person, firm, limited liability company, or" and insert "An individual who is an employer, a firm, a limited liability company, or a".

Page 3, between lines 35 and 36, begin a new paragraph and insert: "SECTION 9. IC 20-33-3-40, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 40. ~~A person;~~ **An individual who is an employer,** a firm, a limited liability company, or a corporation that violates this chapter may be assessed the civil penalties described in this section by the department of labor. For an hour violation of more than thirty (30) minutes under ~~sections 21~~ **sections 22** through ~~29~~ **28** of this chapter, each violation of section 30 of this chapter, an age violation under section 31 or 32 of this chapter, each minor employed in violation of section 31(b) of this chapter, or a hazardous occupation violation under section 35 or 36 of this chapter, the civil penalties are as follows:

(1) A warning letter for any violations identified during an initial inspection.

(2) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.

(3) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.

(4) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and occurs not more than two (2) years after a prior violation.

SECTION 10. IC 22-1-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006] Sec. 5. (a) The bureau of mines and mining safety shall do the following:

(1) have immediate charge of the administration of the underground mine laws of this state;

(2) provide safety consultation services to any surface or underground mine operator at the request of the operator;

(3) provide mine safety and health education information to all surface or underground mine operators;

(4) provide mine safety and health training as required by federal Mine Safety and Health Administration to all surface or underground mine operators and mine workers who do not

otherwise have training available; and

(5) investigate all fatalities occurring in surface or underground mine operations for the purpose of data collection; however, an investigation shall not interfere with investigations by the federal Mine Safety and Health Administration.

(b) The bureau of child labor shall have immediate charge of the supervision of children who are gainfully employed, **including employment certificate violations under IC 20-33-3-38.5, IC 20-33-3-39, and IC 20-33-3-40. A child employee under the jurisdiction of the bureau of child labor may file a complaint with the bureau of child labor if the employer of the child employee requires noncompliance by the child employee with the provisions of IC 20-33-3-38.5."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1267 as printed February 14, 2006.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1307

Senator Harrison called up Engrossed House Bill 1307 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1307-2)

Madam President: I move that Engrossed House Bill 1307 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 30.

Page 13, line 12, delete "July 1, 2007," and insert "**July 1, 2006,**".

Page 13, delete lines 22 through 42, begin a new line block indented and insert:

"2006, for each degree of permanent impairment from one (1) to ten (10), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand seven hundred dollars (\$1,700) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred dollars (\$2,700) per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred dollars (\$3,300) per degree."

Page 14, delete lines 1 through 21.

Page 15, line 5, delete "and before July 1, 2007,".

Page 15, line 5, after "hundred" insert "**sixty-three**".

Page 15, line 5, delete "(\$900)." and insert "**(\$963).**".

Page 15, delete lines 6 through 42.

Delete pages 16 through 19.

Page 20, delete lines 1 through 3.

Page 24, line 15, delete ", and before July 1, 2007:" and insert ":

(A) not more than nine hundred sixty-three dollars (\$963); and

(B) not less than eighty-two dollars (\$82)."

Page 24, delete lines 16 through 31.

Page 27, line 42, delete "and before July 1, 2007,".

Page 27, line 42, after "hundred" insert "**eighteen**".

Page 27, line 42, after "dollars" insert "**(\$318,000)**".

Delete pages 28 through 29.

Page 30, delete lines 1 through 3.

Page 40, line 34, delete "July 1, 2007," and insert "**July 1, 2006**".

Page 40, line 42, after "degree." begin a new line block indented and insert:

"(9) With respect to disablements occurring on and after July 1, 2006, for each degree of permanent impairment from one (1) to ten (10), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand seven hundred dollars (\$1,700) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred dollars (\$2,700) per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred dollars (\$3,300) per degree."

Delete page 41.

Page 42, delete line 1.

Page 42, line 33, delete "and before July 1, 2007,".

Page 42, line 33, after "hundred" insert "**sixty-three**".

Page 42, line 33, delete "(\$900)." and insert "**(\$963)**".

Page 42, delete lines 34 through 41.

Page 48, line 14, delete ", and before July 1, 2007:" and insert ":

(A) not more than nine hundred sixty-three dollars (\$963); and

(B) not less than eighty-two dollars (\$82)".

Page 48, delete lines 15 through 30.

Page 50, line 36, delete "and before July 1, 2007,".

Page 50, line 36, after "hundred" insert "**eighteen**".

Page 50, line 37, delete "(\$300,000)." and insert "**(\$318,000)**".

Page 50, delete lines 38 through 42.

Page 51, delete lines 1 through 4.

Page 52, delete lines 22 through 42.

Delete pages 53 through 56.

Page 57, delete lines 1 through 18.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1307 as printed February 17, 2006.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 202: yeas 17, nays 32.

Motion failed.

SENATE MOTION (Amendment 1307-1)

Madam President: I move that Engrossed House Bill 1307 be amended to read as follows:

Page 3, delete lines 5 through 42.

Page 4, delete lines 1 through 30.

Page 28, delete lines 31 through 42.

Delete page 29.

Page 30, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1307 as printed February 17, 2006.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 203: yeas 17, nays 33.

Motion failed.

SENATE MOTION (Amendment 1307-3)

Madam President: I move that Engrossed House Bill 1307 be amended to read as follows:

Page 4, between lines 30 and 31, begin a new paragraph and insert: "SECTION 4. IC 22-3-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, "school to work student" refers to a student participating in on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.).

(b) Except as provided in IC 22-3-7-2.5, a school to work student is entitled to the following compensation and benefits under this article:

(1) Medical benefits under IC 22-3-2 through IC 22-3-6.

(2) Permanent partial impairment compensation under IC 22-3-3-10. Permanent partial impairment compensation for a school to work student shall be paid in a lump sum upon agreement or final award.

(3) In the case that death results from the injury:

(A) death benefits in a lump sum amount of one hundred seventy-five thousand dollars (\$175,000), payable upon agreement or final award to any dependents of the student under IC 22-3-3-18 through IC 22-3-3-20, or, if the student has no dependents, to the student's parents; and

(B) burial compensation under IC 22-3-3-21.

(c) For the sole purpose of modifying an award under IC 22-3-3-27, a school to work student's average weekly wage is presumed to be equal to the federal minimum wage.

(d) A school to work student is not entitled to the following compensation under this article:

(1) Temporary total disability compensation under IC 22-3-3-8.

(2) Temporary partial disability compensation under IC 22-3-3-9.

(e) Except for remedies available under IC 5-2-6.1 and IC 22-3-13, recovery under subsection (b) is the exclusive right and remedy for:

(1) a school to work student; and

(2) the personal representatives, dependents, or next of kin, at common law or otherwise, of a school to work student; on account of personal injury or death by accident arising out of and in the course of school to work employment.

SECTION 5. IC 22-3-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. **Except for rights and remedies granted under IC 22-3-13**, the rights and remedies granted to an employee subject to IC 22-3-2 through IC 22-3-6 on account of personal injury or death by accident shall exclude all other

rights and remedies of such employee, the employee's personal representatives, dependents, or next of kin, at common law or otherwise, on account of such injury or death, except for remedies available under IC 5-2-6.1."

Page 28, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 10. IC 22-3-6-1, AS AMENDED BY P.L.201-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. In IC 22-3-2 through IC 22-3-6, unless the context otherwise requires:

(a) "Employer" includes the state and any political subdivision, any municipal corporation within the state, any individual or the legal representative of a deceased individual, firm, association, limited liability company, or corporation or the receiver or trustee of the same, using the services of another for pay. A parent corporation and its subsidiaries shall each be considered joint employers of the corporation's, the parent's, or the subsidiaries' employees for purposes of IC 22-3-2-6 and IC 22-3-3-31. Both a lessor and a lessee of employees shall each be considered joint employers of the employees provided by the lessor to the lessee for purposes of IC 22-3-2-6 and IC 22-3-3-31. If the employer is insured, the term includes the employer's insurer so far as applicable. However, the inclusion of an employer's insurer within this definition does not allow an employer's insurer to avoid payment for services rendered to an employee with the approval of the employer. The term also includes an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in IC 22-3-2-2.5. The term does not include a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person for the performance of youth coaching services on a part-time basis.

(b) "Employee" means every person, including a minor, in the service of another, under any contract of hire or apprenticeship, written or implied, except one whose employment is both casual and not in the usual course of the trade, business, occupation, or profession of the employer.

(1) An executive officer elected or appointed and empowered in accordance with the charter and bylaws of a corporation, other than a municipal corporation or governmental subdivision or a charitable, religious, educational, or other nonprofit corporation, is an employee of the corporation under IC 22-3-2 through IC 22-3-6.

(2) An executive officer of a municipal corporation or other governmental subdivision or of a charitable, religious, educational, or other nonprofit corporation may, notwithstanding any other provision of IC 22-3-2 through IC 22-3-6, be brought within the coverage of its insurance contract by the corporation by specifically including the executive officer in the contract of insurance. The election to bring the executive officer within the coverage shall continue for the period the contract of insurance is in effect, and during this period, the executive officers thus brought within the

coverage of the insurance contract are employees of the corporation under IC 22-3-2 through IC 22-3-6.

(3) Any reference to an employee who has been injured, when the employee is dead, also includes the employee's legal representatives, dependents, and other persons to whom compensation may be payable.

(4) An owner of a sole proprietorship may elect to include the owner as an employee under IC 22-3-2 through IC 22-3-6 if the owner is actually engaged in the proprietorship business. If the owner makes this election, the owner must serve upon the owner's insurance carrier and upon the board written notice of the election. No owner of a sole proprietorship may be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received. If the owner of a sole proprietorship is an independent contractor in the construction trades and does not make the election provided under this subdivision, the owner must obtain an affidavit of exemption under IC 22-3-2-14.5.

(5) A partner in a partnership may elect to include the partner as an employee under IC 22-3-2 through IC 22-3-6 if the partner is actually engaged in the partnership business. If a partner makes this election, the partner must serve upon the partner's insurance carrier and upon the board written notice of the election. No partner may be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received. If a partner in a partnership is an independent contractor in the construction trades and does not make the election provided under this subdivision, the partner must obtain an affidavit of exemption under IC 22-3-2-14.5.

(6) Real estate professionals are not employees under IC 22-3-2 through IC 22-3-6 if:

(A) they are licensed real estate agents;

(B) substantially all their remuneration is directly related to sales volume and not the number of hours worked; and

(C) they have written agreements with real estate brokers stating that they are not to be treated as employees for tax purposes.

(7) A person is an independent contractor in the construction trades and not an employee under IC 22-3-2 through IC 22-3-6 if the person is an independent contractor under the guidelines of the United States Internal Revenue Service.

(8) An owner-operator that provides a motor vehicle and the services of a driver under a written contract that is subject to IC 8-2.1-24-23, 45 IAC 16-1-13, or ~~49 CFR 1057~~, **49 CFR 376** to a motor carrier is not an employee of the motor carrier for purposes of IC 22-3-2 through IC 22-3-6. The owner-operator may elect to be covered and have the owner-operator's drivers covered under a worker's compensation insurance policy or authorized self-insurance that insures the motor carrier if the owner-operator pays the premiums as requested by the motor carrier. An election by an owner-operator under this subdivision does not terminate the independent contractor status of the owner-operator for any purpose other than the purpose of this subdivision.

(9) A member or manager in a limited liability company may elect to include the member or manager as an employee under IC 22-3-2 through IC 22-3-6 if the member or manager is actually engaged in the limited liability company business. If a member or manager makes this election, the member or manager must serve upon the member's or manager's insurance carrier and upon the board written notice of the election. A member or manager may not be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received.

(10) An unpaid participant under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the extent set forth in IC 22-3-2-2.5.

(11) A person who enters into an independent contractor agreement with a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to perform youth coaching services on a part-time basis is not an employee for purposes of IC 22-3-2 through IC 22-3-6.

(c) "Minor" means an individual who has not reached seventeen (17) years of age.

(1) Unless otherwise provided in this subsection, a minor employee shall be considered as being of full age for all purposes of IC 22-3-2 through IC 22-3-6.

(2) If the employee is a minor who, at the time of the accident, is employed, required, suffered, or permitted to work in violation of IC 20-33-3-35, the amount of compensation and death benefits, as provided in IC 22-3-2 through IC 22-3-6, shall be double the amount which would otherwise be recoverable. The insurance carrier shall be liable on its policy for one-half (1/2) of the compensation or benefits that may be payable on account of the injury or death of the minor, and the employer shall be liable for the other one-half (1/2) of the compensation or benefits. If the employee is a minor who is not less than sixteen (16) years of age and who has not reached seventeen (17) years of age and who at the time of the accident is employed, suffered, or permitted to work at any occupation which is not prohibited by law, this subdivision does not apply.

(3) A minor employee who, at the time of the accident, is a student performing services for an employer as part of an approved program under IC 20-37-2-7 shall be considered a full-time employee for the purpose of computing compensation for permanent impairment under IC 22-3-3-10. The average weekly wages for such a student shall be calculated as provided in subsection (d)(4).

(4) **Except for rights and remedies granted under IC 22-3-13**, the rights and remedies granted in this subsection to a minor under IC 22-3-2 through IC 22-3-6 on account of personal injury or death by accident shall exclude all rights and remedies of the minor, the minor's parents, or the minor's personal representatives, dependents, or next of kin at common law, statutory or otherwise, on account of the injury or death. This subsection does not apply to minors who have reached seventeen (17) years of age.

(d) "Average weekly wages" means the earnings of the injured employee in the employment in which the employee was working at the time of the injury during the period of fifty-two (52) weeks immediately preceding the date of injury, divided by fifty-two (52), except as follows:

(1) If the injured employee lost seven (7) or more calendar days during this period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts thereof remaining after the time lost has been deducted.

(2) Where the employment prior to the injury extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, if results just and fair to both parties will be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of the employee's employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages, as defined in this subsection, regard shall be had to the average weekly amount which during the fifty-two (52) weeks previous to the injury was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person in the same grade employed in the same class of employment in the same district.

(3) Wherever allowances of any character made to an employee in lieu of wages are a specified part of the wage contract, they shall be deemed a part of the employee's earnings.

(4) In computing the average weekly wages to be used in calculating an award for permanent impairment under IC 22-3-3-10 for a student employee in an approved training program under IC 20-37-2-7, the following formula shall be used. Calculate the product of:

- (A) the student employee's hourly wage rate; multiplied by
- (B) forty (40) hours.

The result obtained is the amount of the average weekly wages for the student employee.

(e) "Injury" and "personal injury" mean only injury by accident arising out of and in the course of the employment and do not include a disease in any form except as it results from the injury.

(f) "Billing review service" refers to a person or an entity that reviews a medical service provider's bills or statements for the purpose of determining pecuniary liability. The term includes an employer's worker's compensation insurance carrier if the insurance carrier performs such a review.

(g) "Billing review standard" means the data used by a billing review service to determine pecuniary liability.

(h) "Community" means a geographic service area based on zip code districts defined by the United States Postal Service according to the following groupings:

- (1) The geographic service area served by zip codes with the first three (3) digits 463 and 464.
- (2) The geographic service area served by zip codes with the first three (3) digits 465 and 466.

(3) The geographic service area served by zip codes with the first three (3) digits 467 and 468.

(4) The geographic service area served by zip codes with the first three (3) digits 469 and 479.

(5) The geographic service area served by zip codes with the first three (3) digits 460, 461 (except 46107), and 473.

(6) The geographic service area served by the 46107 zip code and zip codes with the first three (3) digits 462.

(7) The geographic service area served by zip codes with the first three (3) digits 470, 471, 472, 474, and 478.

(8) The geographic service area served by zip codes with the first three (3) digits 475, 476, and 477.

(i) "Medical service provider" refers to a person or an entity that provides medical services, treatment, or supplies to an employee under IC 22-3-2 through IC 22-3-6.

(j) "Pecuniary liability" means the responsibility of an employer or the employer's insurance carrier for the payment of the charges for each specific service or product for human medical treatment provided under IC 22-3-2 through IC 22-3-6 in a defined community, equal to or less than the charges made by medical service providers at the eightieth percentile in the same community for like services or products."

Page 30, between lines 3 and 4, begin a new paragraph and insert:
"SECTION 12. IC 22-3-7-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, "school to work student" refers to a student participating in on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.).

(b) A school to work student is entitled to the following compensation and benefits under this chapter:

(1) Medical benefits.

(2) Permanent partial impairment compensation under section 16 of this chapter. Permanent partial impairment compensation for a school to work student shall be paid in a lump sum upon agreement or final award.

(3) In the case that death results from the injury:

(A) death benefits in a lump sum amount of one hundred seventy-five thousand dollars (\$175,000), payable upon agreement or final award to any dependents of the student under sections 11 through 14 of this chapter, or, if the student has no dependents, to the student's parents; and

(B) burial compensation under section 15 of this chapter.

(c) For the sole purpose of modifying an award under section 27 of this chapter, a school to work student's average weekly wage is presumed to be equal to the federal minimum wage.

(d) A school to work student is not entitled to the following compensation under this chapter:

(1) Temporary total disability compensation under section 16 of this chapter.

(2) Temporary partial disability compensation under section 19 of this chapter.

(e) Except for remedies available under IC 5-2-6.1 and IC 22-3-13, recovery under subsection (b) is the exclusive right and remedy for:

(1) a school to work student; and

(2) the personal representatives, dependents, or next of kin, at common law or otherwise, of a school to work student; on account of disablement or death by occupational disease arising out of and in the course of school to work employment.

SECTION 13. IC 22-3-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. **Except for rights and remedies granted under IC 22-3-13**, the rights and remedies granted under this chapter to an employee subject to this chapter on account of disablement or death by occupational disease arising out of and in the course of the employment shall exclude all other rights and remedies of such employee, his personal representatives, dependents, or next of kin, at common law or otherwise, on account of such disablement or death.

SECTION 14. IC 22-3-7-9, AS AMENDED BY P.L.201-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) As used in this chapter, "employer" includes the state and any political subdivision, any municipal corporation within the state, any individual or the legal representative of a deceased individual, firm, association, limited liability company, or corporation or the receiver or trustee of the same, using the services of another for pay. A parent corporation and its subsidiaries shall each be considered joint employers of the corporation's, the parent's, or the subsidiaries' employees for purposes of sections 6 and 33 of this chapter. Both a lessor and a lessee of employees shall each be considered joint employers of the employees provided by the lessor to the lessee for purposes of sections 6 and 33 of this chapter. The term also includes an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth under section 2.5 of this chapter. If the employer is insured, the term includes the employer's insurer so far as applicable. However, the inclusion of an employer's insurer within this definition does not allow an employer's insurer to avoid payment for services rendered to an employee with the approval of the employer. The term does not include a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person for the performance of youth coaching services on a part-time basis.

(b) As used in this chapter, "employee" means every person, including a minor, in the service of another, under any contract of hire or apprenticeship written or implied, except one whose employment is both casual and not in the usual course of the trade, business, occupation, or profession of the employer. For purposes of this chapter the following apply:

(1) Any reference to an employee who has suffered disablement, when the employee is dead, also includes the employee's legal representative, dependents, and other persons to whom compensation may be payable.

(2) An owner of a sole proprietorship may elect to include the owner as an employee under this chapter if the owner is actually engaged in the proprietorship business. If the owner makes this election, the owner must serve upon the owner's insurance

carrier and upon the board written notice of the election. No owner of a sole proprietorship may be considered an employee under this chapter unless the notice has been received. If the owner of a sole proprietorship is an independent contractor in the construction trades and does not make the election provided under this subdivision, the owner must obtain an affidavit of exemption under section 34.5 of this chapter.

(3) A partner in a partnership may elect to include the partner as an employee under this chapter if the partner is actually engaged in the partnership business. If a partner makes this election, the partner must serve upon the partner's insurance carrier and upon the board written notice of the election. No partner may be considered an employee under this chapter until the notice has been received. If a partner in a partnership is an independent contractor in the construction trades and does not make the election provided under this subdivision, the partner must obtain an affidavit of exemption under section 34.5 of this chapter.

(4) Real estate professionals are not employees under this chapter if:

- (A) they are licensed real estate agents;
- (B) substantially all their remuneration is directly related to sales volume and not the number of hours worked; and
- (C) they have written agreements with real estate brokers stating that they are not to be treated as employees for tax purposes.

(5) A person is an independent contractor in the construction trades and not an employee under this chapter if the person is an independent contractor under the guidelines of the United States Internal Revenue Service.

(6) An owner-operator that provides a motor vehicle and the services of a driver under a written contract that is subject to IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 1057, to a motor carrier is not an employee of the motor carrier for purposes of this chapter. The owner-operator may elect to be covered and have the owner-operator's drivers covered under a worker's compensation insurance policy or authorized self-insurance that insures the motor carrier if the owner-operator pays the premiums as requested by the motor carrier. An election by an owner-operator under this subdivision does not terminate the independent contractor status of the owner-operator for any purpose other than the purpose of this subdivision.

(7) An unpaid participant under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the extent set forth under section 2.5 of this chapter.

(8) A person who enters into an independent contractor agreement with a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to perform youth coaching services on a part-time basis is not an employee for purposes of this chapter.

(c) As used in this chapter, "minor" means an individual who has not reached seventeen (17) years of age. A minor employee shall be considered as being of full age for all purposes of this chapter. However, if the employee is a minor who, at the time of the last

exposure, is employed, required, suffered, or permitted to work in violation of the child labor laws of this state, the amount of compensation and death benefits, as provided in this chapter, shall be double the amount which would otherwise be recoverable. The insurance carrier shall be liable on its policy for one-half (1/2) of the compensation or benefits that may be payable on account of the disability or death of the minor, and the employer shall be wholly liable for the other one-half (1/2) of the compensation or benefits. If the employee is a minor who is not less than sixteen (16) years of age and who has not reached seventeen (17) years of age, and who at the time of the last exposure is employed, suffered, or permitted to work at any occupation which is not prohibited by law, the provisions of this subsection prescribing double the amount otherwise recoverable do not apply. **Except for rights and remedies granted under IC 22-3-13**, the rights and remedies granted to a minor under this chapter on account of disease shall exclude all rights and remedies of the minor, ~~his~~ **the minor's** parents, ~~his~~ **the minor's** personal representatives, dependents, or next of kin at common law, statutory or otherwise, on account of any disease.

(d) This chapter does not apply to casual laborers as defined in subsection (b), nor to farm or agricultural employees, nor to household employees, nor to railroad employees engaged in train service as engineers, firemen, conductors, brakemen, flagmen, baggagemen, or foremen in charge of yard engines and helpers assigned thereto, nor to their employers with respect to these employees. Also, this chapter does not apply to employees or their employers with respect to employments in which the laws of the United States provide for compensation or liability for injury to the health, disability, or death by reason of diseases suffered by these employees.

(e) As used in this chapter, "disablement" means the event of becoming disabled from earning full wages at the work in which the employee was engaged when last exposed to the hazards of the occupational disease by the employer from whom the employee claims compensation or equal wages in other suitable employment, and "disability" means the state of being so incapacitated.

(f) For the purposes of this chapter, no compensation shall be payable for or on account of any occupational diseases unless disablement, as defined in subsection (e), occurs within two (2) years after the last day of the last exposure to the hazards of the disease except for the following:

(1) In all cases of occupational diseases caused by the inhalation of silica dust or coal dust, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within three (3) years after the last day of the last exposure to the hazards of the disease.

(2) In all cases of occupational disease caused by the exposure to radiation, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within two (2) years from the date on which the employee had knowledge of the nature of the employee's occupational disease or, by exercise of reasonable diligence, should have known of the existence of such disease and its causal relationship to the employee's employment.

(3) In all cases of occupational diseases caused by the inhalation of asbestos dust, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within three (3) years after the last day of the last exposure to the hazards of the disease if the last day of the last exposure was before July 1, 1985.

(4) In all cases of occupational disease caused by the inhalation of asbestos dust in which the last date of the last exposure occurs on or after July 1, 1985, and before July 1, 1988, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within twenty (20) years after the last day of the last exposure.

(5) In all cases of occupational disease caused by the inhalation of asbestos dust in which the last date of the last exposure occurs on or after July 1, 1988, no compensation shall be payable unless disablement (as defined in subsection (e)) occurs within thirty-five (35) years after the last day of the last exposure.

(g) For the purposes of this chapter, no compensation shall be payable for or on account of death resulting from any occupational disease unless death occurs within two (2) years after the date of disablement. However, this subsection does not bar compensation for death:

- (1) where death occurs during the pendency of a claim filed by an employee within two (2) years after the date of disablement and which claim has not resulted in a decision or has resulted in a decision which is in process of review or appeal; or
- (2) where, by agreement filed or decision rendered, a compensable period of disability has been fixed and death occurs within two (2) years after the end of such fixed period, but in no event later than three hundred (300) weeks after the date of disablement.

(h) As used in this chapter, "billing review service" refers to a person or an entity that reviews a medical service provider's bills or statements for the purpose of determining pecuniary liability. The term includes an employer's worker's compensation insurance carrier if the insurance carrier performs such a review.

(i) As used in this chapter, "billing review standard" means the data used by a billing review service to determine pecuniary liability.

(j) As used in this chapter, "community" means a geographic service area based on zip code districts defined by the United States Postal Service according to the following groupings:

- (1) The geographic service area served by zip codes with the first three (3) digits 463 and 464.
- (2) The geographic service area served by zip codes with the first three (3) digits 465 and 466.
- (3) The geographic service area served by zip codes with the first three (3) digits 467 and 468.
- (4) The geographic service area served by zip codes with the first three (3) digits 469 and 479.
- (5) The geographic service area served by zip codes with the first three (3) digits 460, 461 (except 46107), and 473.
- (6) The geographic service area served by the 46107 zip code and zip codes with the first three (3) digits 462.

(7) The geographic service area served by zip codes with the first three (3) digits 470, 471, 472, 474, and 478.

(8) The geographic service area served by zip codes with the first three (3) digits 475, 476, and 477.

(k) As used in this chapter, "medical service provider" refers to a person or an entity that provides medical services, treatment, or supplies to an employee under this chapter.

(l) As used in this chapter, "pecuniary liability" means the responsibility of an employer or the employer's insurance carrier for the payment of the charges for each specific service or product for human medical treatment provided under this chapter in a defined community, equal to or less than the charges made by medical service providers at the eightieth percentile in the same community for like services or products."

Page 57, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 21. IC 22-3-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 13. Private Cause of Action

Sec. 1. As used in this chapter, "immediate family" means the:

- (1) parents of an individual without dependents;**
- (2) spouse of an individual; and**
- (3) dependent children of an individual.**

Sec. 2. If the death of an individual is caused by a violation of a federal or state law:

- (1) governing worker or workplace safety; and**
- (2) committed by the individual's employer;**

a cause of action may be brought against the employer under this chapter.

Sec. 3. A cause of action may be brought under this chapter only by the following:

- (1) A member of the deceased individual's immediate family.**
- (2) If the deceased individual does not have any immediate family, the personal representative of the deceased individual's estate.**

Sec. 4. A person who may bring an action under this chapter may recover only the following damages:

(1) Not more than four (4) times the total amount of the death benefit:

- (A) that is required to be paid to the deceased individual's dependents or parents under this article; or**
- (B) if the deceased individual does not have any dependents or parents, that would be required to be paid under this article if the deceased individual had dependents or parents that were required to be paid under this article.**

(2) Reasonable attorney's fees.

(3) Court costs.

SECTION 22. [EFFECTIVE JULY 1, 2006] IC 22-3-13, as added by this act, applies only to a cause of action that accrues after June 30, 2006."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1307 as printed February 17, 2006.)

BOWSER

Motion failed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1006

Senator Lubbers called up Engrossed House Bill 1006 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 204: yeas 34, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1013

Senator Miller called up Engrossed House Bill 1013 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 205: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1017

Senator Becker called up Engrossed House Bill 1017 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 206: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1023

Senator Heinold called up Engrossed House Bill 1023 for third reading:

A BILL FOR AN ACT concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 207: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1025

Senator Drozda called up Engrossed House Bill 1025 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 208: yeas 46, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1065

Senator Heinold called up Engrossed House Bill 1065 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 209: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1106

Senator Becker called up Engrossed House Bill 1106 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 210: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1112

Senator Kenley called up Engrossed House Bill 1112 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 211: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1113

Senator Bray called up Engrossed House Bill 1113 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 212: yeas 41, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1124

Senator Drozda called up Engrossed House Bill 1124 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 213: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1150

Senator Kruse called up Engrossed House Bill 1150 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 214: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1209

Senator Dillon called up Engrossed House Bill 1209 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 215: yeas 24, nays 26. The bill was declared defeated.

Engrossed House Bill 1232

Senator Bray called up Engrossed House Bill 1232 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 216: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1234

Senator Dillon called up Engrossed House Bill 1234 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 217: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1236

Senator Wyss called up Engrossed House Bill 1236 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 218: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

STATEMENT OF THE PRESIDENT PRO TEMPORE OF THE SENATE CONCERNING EHB 1279

The Chair notes that Senator Delph is excused from voting on Engrossed House Bill 1279, pursuant to the Report of the Committee on Ethics adopted on February 13, 2006, and asks that it be so recorded in the Journal of the Senate.

GARTON

Engrossed House Bill 1279

Senator Hershman called up Engrossed House Bill 1279 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 219: yeas 42, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1286

Senator Waterman called up Engrossed House Bill 1286 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 220: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1287

Senator Landske called up Engrossed House Bill 1287 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 221: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1300

Senator Wyss called up Engrossed House Bill 1300 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 222: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1323

Senator Kruse called up Engrossed House Bill 1323 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 223: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1327

Senator Kenley called up Engrossed House Bill 1327 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 224: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1331

Senator Weatherwax called up Engrossed House Bill 1331 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 225: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1347

Senator Lubbers called up Engrossed House Bill 1347 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 226: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1368

Senator Meeks called up Engrossed House Bill 1368 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 227: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1380

Senator Ford called up Engrossed House Bill 1380 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 228: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 21, 24, 38, and 40 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 21 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Landske be added as cosponsor of Engrossed House Bill 1368.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be added as cosponsor of Engrossed House Bill 1112.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as cosponsor of Engrossed House Bill 1414.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as cosponsor of Engrossed House Bill 1155.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, February 23, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 6:40 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate